

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Reynaldo LOPEZ-RIVAS

Case: 2:24-mj-30053

Case No. Assigned To : Unassigned

Assign. Date : 2/15/2024

SEALED MATTER (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 1, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry Following Removal from the United States

This criminal complaint is based on these facts:

On or about February 1, 2024, in the Eastern District of Michigan, Southern Division, Reynaldo LOPEZ-RIVAS, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 19, 2013, at or near Brownsville, Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.

*Complainant's signature*Jeremy McCullough, Deportation Officer, ICE/ERO*Printed name and title*

Sworn to before me and signed in my presence.

Date: February 15, 2024

City and state: Detroit, Michigan

*Judge's signature*Anthony P. Patti, United States Magistrate Judge*Printed name and title*

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Jeremy McCullough, being first duly sworn, hereby state the following under penalty of perjury:

1. I am a Deportation Officer with United States Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations, having been so employed since March 2003. Previously I was employed by the United States Department of Justice, Immigration and Naturalization Service, Detention and Removal Operations. I am currently assigned to the Federal Bureau of Investigation (FBI) Violent Gang Task Force (VGTF) for 10 years. During my career, I have been involved in numerous investigations of federal immigration violations, identity theft, federal firearms, narcotics, credit card fraud investigations, homicide and public corruption investigations.
2. I make this affidavit from personal knowledge based on my participating in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. This affidavit is submitted in support of an arrest warrant for Reynaldo LOPEZ-RIVAS, date of birth 11/X/19XX, who is a native and citizen of Mexico. This affidavit is based on my personal knowledge, as well as information and reports submitted by other law enforcement officers, sources of information and information obtained from the alien file of LOPEZ-RIVAS. Because this affidavit is submitted for the limited purpose of demonstrating probable cause for the issuance of the requested warrant, it does not contain each and every fact known about this case by your affiant including ERO and the FBI.
4. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 8, U.S.C., Section 1326(a), Unlawful Re-Entry Following Removal, has been committed by LOPEZ-RIVAS.

Probable Cause

5. In November 2023, FBI Violent Gang Task Force (VGTF) received information that LOPEZ-RIVAS, an alien who had previously been removed from the United States, had unlawfully re-entered the United States. The information indicated that LOPEZ-RIVAS was in the United States, and residing at 7063 Lisbon, Detroit, Michigan. VGTF initiated surveillance on 7063 Lisbon, Detroit. Since November 2023, LOPEZ-RIVAS has been

observed at the residence on multiple occasions, the most recent being February 1, 2024. Surveillance has also positively identified LOPEZ-RIVAS operating a Grey Chevrolet Tahoe.

Immigration History

6. On October 30, 2012, LOPEZ-RIVAS was issued a Notice to Appear, before an Immigration Judge.
7. On January 31, 2013, LOPEZ-RIVAS was ordered removed from the United States by an Immigration Judge located in Detroit, Michigan.
8. On March 5, 2013, LOPEZ-RIVAS was removed from the United States to Mexico through the Laredo, Texas Port of Entry (POE).
9. On April 24, 2013, LOPEZ-RIVAS was arrested by United States Border Patrol in Edinburg, Texas. On April 25, 2013, LOPEZ-RIVAS was presented for prosecution in the Southern District of Texas and was charged with a violation of Title 8, United States Code §1325(a)(1), Unlawful Entry. The same date LOPEZ-RIVAS was convicted and sentenced to 45 days' custody.
10. On June 19, 2013, LOPEZ-RIVAS was removed from the United States to Mexico via Brownsville, TX, Port of Entry (POE). All information

regarding the removal was obtained via a query and review of Immigration and Customs Enforcement databases and documents.

11. A criminal history query was conducted and reveals the following arrests involving Reynaldo LOPEZ-RIVAS:

- April 27, 2005, arrested for Larceny by the Detroit Police Department, Detroit, Michigan. Disposition is UNKNOWN;
- November 5, 2005, arrested by the Southfield Police Department, Southfield, Michigan for Possession of Controlled Substance U/25 grams, Driving While License Suspended and Operating Under the Influence of Liquor. On February 1, 2008, LOPEZ-RIVAS was convicted of Possession Controlled Substance Under 25 grams and Operating While Impaired in the 6th Judicial Circuit Court, Oakland County;
- April 25, 2013, LOPEZ-RIVAS was convicted in the Southern District of Texas, McAllen, Texas for the offense of Title 8 United States Code §1325(a)(3), attempting to gain illegal entry into the United States by willful concealment of a material fact. LOPEZ-RIVAS was sentenced to 45 days' custody.

12. An electronic file review of the Alien File (A# xxx xxx 234) for Reynaldo LOPEZ-RIVAS and queries in computer databases confirm that no record

exists of Reynaldo LOPEZ-RIVAS obtaining permission from the United States Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on June 19, 2013.

Conclusion

13. Based upon the above investigation and information, probable cause exists that Reynaldo LOPEZ-RIVAS, an alien, is present in the United States, specifically in the Eastern District of Michigan, Southern Division, after being denied admission, excluded, deported, and removed therefrom on or about June 19, 2013, without obtaining authorization from the Secretary of the United States Department of Homeland Security or the United States Attorney General, to re-apply for admission thereto; in violation of Title 8,

U.S.C. § 1326(a).

A handwritten signature in black ink, appearing to read 'JRM' followed by a stylized flourish.

Jeremy McCullough
Deportation Officer
ICE/ERO

Sworn to before me and signed in my
presence and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read 'A.P. Patti' followed by a horizontal line.

Honorable Anthony P. Patti February 15, 2024
United States Magistrate Judge